

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Ariana Thomas	Team: Squad #16	CCRB Case #: 202104849	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Wednesday, 07/28/2021 2:24 PM, Wednesday, 07/28/2021 4:20 PM, Friday, 07/30/2021 9:45 AM	Location of Incident: 46th Precinct Stationhouse; § 87(2)(b)	18 Mo. SOL 1/28/2023	Precinct: 46		
Date/Time CV Reported Mon, 08/16/2021 2:23 PM	CV Reported At: CCRB	How CV Reported: On-line website	Date/Time Received at CCRB Mon, 08/16/2021 2:23 PM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. SGT Angel Gonzalez	01374	945774	PSA 4
2. PO Samuel Mercado	08374	957851	046 DET
3. PO Bryan Reyes	24712	970130	046 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. LT Kevin Whelan	00000	927666	HAZ WMD
2. DTS Steven Caron	04150	938169	ESS 04
3. SGT Anthony Corsello	00670	947731	ESS 04
4. SGT Edwin Ching	01578	917418	INT FIO PRG
5. PO Raymond Diaz	12449	960458	046 PCT
6. PO Jason Fore	14670	948977	046 PCT
7. INSP Joseph Seminara	00000	935723	OPER&ANALYSIS

Officer(s)	Allegation	Investigator Recommendation
A . PO Bryan Reyes	Force: On July 28, 2021, at the 46th Precinct stationhouse, Police Officer Bryan Reyes used physical force against § 87(2)(b)	§ 87(2)(b)
B . PO Samuel Mercado	Force: On July 28, 2021, at the 46th Precinct stationhouse, Police Officer Samuel Mercado used physical force against § 87(2)(b)	§ 87(2)(b)
C . PO Bryan Reyes	Force: On July 28, 2021, at the 46th Precinct stationhouse, Police Officer Bryan Reyes used physical force against § 87(2)(b)	§ 87(2)(b)
D . PO Samuel Mercado	Force: On July 28, 2021, at the 46th Precinct stationhouse, Police Officer Samuel Mercado used physical force against § 87(2)(b)	§ 87(2)(b)
E . SGT Angel Gonzalez	Force: Sergeant Angel Gonzalez used physical force against § 87(2)(b)	§ 87(2)(b)
F . SGT Angel Gonzalez	Force: On July 28, 2021, at the 46th Precinct stationhouse, Sergeant Angel Gonzalez hit § 87(2)(b) against a partition.	§ 87(2)(b)
G . SGT Angel Gonzalez	Discourtesy: On July 28, 2021, at the 46th Precinct stationhouse, Sergeant Angel Gonzalez spoke discourteously to § 87(2)(b)	§ 87(2)(b)

Officer(s)	Allegation	Investigator Recommendation
H . PO Bryan Reyes	Abuse: On July 30, 2021, Police Officer Bryan Reyes entered § 87(2)(b) in the Bronx.	
I . PO Bryan Reyes	Abuse: On July 30, 2021, Police Officer Bryan Reyes searched § 87(2)(b) in the Bronx.	

Case Summary

On August 16, 2021, § 87(2)(b) filed this complaint via the CCRB's website.

On July 28, 2021, at approximately 2:19 p.m., § 87(2)(b) was arrested at his residence located on § 87(2)(b) in the Bronx. At approximately 2:24 p.m., Police Officer Samuel Mercado and Police Officer Bryan Reyes, both of the 46th Precinct, transported § 87(2)(b) back to the 46th Precinct stationhouse, and allegedly dragged him into the stationhouse (**Allegation A-B: Force**, § 87(2)(g) § 87(2)(b) was lodged in a holding cell and when he was released, at approximately 4:20 p.m. the same day, PO Mercado and PO Reyes allegedly dragged him out of the holding cell area (**Allegation C-D: Force**, § 87(2)(g) As they did so, Sergeant Angel Gonzalez, of the 46th Precinct, pinned § 87(2)(b) against a wall and then slammed § 87(2)(b) head against a glass partition in the stationhouse, as he allegedly said, "I'm tired of this shit" before § 87(2)(b) was transported to Bronx Central Booking (**Allegation E-F: Force**, § 87(2)(g) (**Allegation G: Discourtesy**, § 87(2)(g) At the time of his arraignment, a judge informed § 87(2)(b) that officers had executed a search warrant at his apartment on July 30, 2021 (**Allegations H and I: Abuse of Authority**, § 87(2)(g) No arrest or summons resulted from this incident.

Body-worn camera ("BWC") footage (**Board Review 01-31**) was obtained from the NYPD Legal Bureau. There is no other video evidence. § 87(2)(b) initial complaint did not mention the incident that occurred at the 46th Precinct stationhouse and upon § 87(2)(b) being interviewed, stationhouse footage had already expired.

Findings and Recommendations

Allegation (A) Force: On July 28, 2021, at the 46th Precinct stationhouse, Police Officer Bryan Reyes used physical force against § 87(2)(b)

Allegation (B) Force: On July 28, 2021, at the 46th Precinct stationhouse, Police Officer Samuel Mercado used physical force against § 87(2)(b)

§ 87(2)(b) testified that he was arrested at his apartment building and officers transported him to the 46th Precinct stationhouse (**Board Review 32**). § 87(2)(b) alleged that PO Mercado and PO Reyes, identified via investigation, dragged him into the stationhouse as he remained upright, though he could not describe this action any further. He was then placed in a holding cell for several hours.

PO Mercado's BWC footage (**Board Review 02**) was somewhat inconsistent with § 87(2)(b) testimony. At the 11:10 minute mark, § 87(2)(b) gets out of the police car and asks why PO Reyes is using force and tells PO Reyes not to drag him. PO Reyes holds § 87(2)(b) left shoulder with his hand and walks forward as § 87(2)(b) also walks forward and into the stationhouse. At 12:00, § 87(2)(b) stands in front of a desk, as officers obtain his pedigree information. At 14:05, PO Reyes holds § 87(2)(b) left upper arm, as he and § 87(2)(b) walk forward and towards the holding cell area. At 14:10, PO Reyes holds § 87(2)(b) left elbow, as he and § 87(2)(b) walk forward. At 14:18, § 87(2)(b) turns to PO Reyes and says, "If you drag me one more time, I'm going to spit on you." PO Reyes lets go and PO Mercado grabs § 87(2)(b) right elbow and orders § 87(2)(b) to come with him. He complies.

PO Reyes (**Board Review 33**) and PO Mercado (**Board Review 42**) provided consistent testimony with each other and the BWC footage. They both denied dragging § 87(2)(b) into the stationhouse and said that only PO Reyes placed his arm under § 87(2)(b) elbow, and kept his palm on § 87(2)(b) back, positioning learned from the police academy, as he and § 87(2)(b) both walked forward and into the stationhouse. When they entered the stationhouse, § 87(2)(b) started yelling at PO Reyes to stop dragging him, though the officers were not doing so. PO Reyes said that Inspector Joseph Seminara of the 46th Precinct, told PO Reyes to step away because § 87(2)(b) aggression

was directed towards him. PO Reyes stepped away, letting PO Mercado escort § 87(2)(b) into the holding cells. PO Mercado said he grabbed § 87(2)(b) right arm and walked forward with him into the holding cell area.

Sgt. Gonzalez (**Board Review 34**) and PO Diaz (**Board Review 35**) testified that they were still at the scene where § 87(2)(b) had been arrested for allegedly robbing someone at gun point with the victim, when § 87(2)(b) was brought to the stationhouse by PO Mercado and PO Reyes.

Though § 87(2)(b) alleged that PO Reyes and PO Mercado dragged him into the stationhouse, the BWC footage shows that PO Reyes held onto § 87(2)(b) shoulder, as he walked on his own into the stationhouse, and that PO Mercado later held his right arm, as the two walked forward and into the holding cell area. § 87(2)(g)

Allegation (C) Force: On July 28, 2021, at the 46th Precinct stationhouse, Police Officer Bryan Reyes used physical force against § 87(2)(b)

Allegation (D) Force: On July 28, 2021, at the 46th Precinct stationhouse, Police Officer Samuel Mercado used physical force against § 87(2)(b)

Allegation (E) Force: Sergeant Angel Gonzalez used physical force against § 87(2)(b)

Allegation (F) Force: On July 28, 2021, at the 46th Precinct stationhouse, Sergeant Angel Gonzalez hit § 87(2)(b) against a partition.

Allegation (G) Discourtesy: On July 28, 2021, at the 46th Precinct stationhouse, Sergeant Angel Gonzalez spoke discourteously to § 87(2)(b)

§ 87(2)(b) testified that PO Mercado and PO Reyes removed him from the holding cell and handcuffed him. Although he did not physically resist or challenge them in any manner, PO Mercado and PO Reyes dragged him out of the holding area towards the exit to the parking lot. § 87(2)(b) stood upright and walked with the officers, as they pulled him in an uncomfortable way. As PO Mercado and PO Reyes were doing so, § 87(2)(b) noticed Sgt. Gonzalez, identified via investigation, standing on the other side of the glass divider separating the holding cells from the front desk and civilian waiting area. Sgt. Gonzalez quickly made his way around the glass divider, came to § 87(2)(b) and slammed his forehead against the glass pane, stating “I’m tired of this shit.” § 87(2)(b) stated that he did nothing that could be construed as resistant, belligerent, or non-compliant, with respect to PO Mercado and PO Reyes as they were dragging him, or in relation to Sgt. Gonzalez when he was passing by. § 87(2)(b) did not sustain any physical injuries as a result of contact with the glass, nor was the glass damaged as a result. § 87(2)(b) was then transported to Bronx Central Booking. § 87(2)(b) did not mention being transported to the hospital.

In PO Diaz’s BWC footage (**Board Review 15**), at 02:20, Sgt. Gonzalez speaks to § 87(2)(b) who sits on the floor outside of the holding cell and yells that he did not rob anyone. At 04:28, § 87(2)(b) yells that he refuses to get fingerprinted or go back inside the cell. He says, “Take me to the hospital.” At 04:44, Sgt. Gonzalez walks out of the room, as § 87(2)(b) continues to yell. At 05:50, Sgt. Gonzalez returns and places leg shackles on § 87(2)(b). From 06:00 to 33:10, § 87(2)(b) speaks to officers, in a raised voice, about the situation regarding his arrest as he sits outside of the cell. At 33:14, PO Mercado tells § 87(2)(b) that the complainant is pressing charges and asks if § 87(2)(b) wants to go to the hospital. § 87(2)(b) says, “Yeah,” and stands up. Sgt. Gonzalez then handcuffs § 87(2)(b). At 33:28, § 87(2)(b) asks what his charges are. Sgt. Gonzalez says that the complainant says he took her bag. At 33:50, PO Diaz adjusts § 87(2)(b) handcuffs. At 34:18, § 87(2)(b) turns to face Sgt. Gonzalez and asks what the charges are. Sgt. Gonzalez says that the complainant says he took her bag, as he holds § 87(2)(b) upper left arm. In a raised voice, § 87(2)(b) repeatedly asks, “What’s the charges?” Between At 34:43 and 34:48, Sgt. Gonzalez tells § 87(2)(b) “Let’s go” twice and guides him forward out of the holding cell room. At 34:56, as § 87(2)(b)

§ 87(2)(b) body is positioned against a wall he says, “Let me give you a reason,” repeatedly, as PO Mercado, PO Diaz, and Sgt. Gonzalez hold onto § 87(2)(b). At this point, Officers order § 87(2)(b) to relax and to stop. At 35:07, Sgt. Gonzalez says, “Get a mask” repeatedly.

In Police Officer Jason Fore’s (of the 46th Precinct) BWC footage (**Board Review 18**) (audio is not captured until 1:00), at 00:40, § 87(2)(b) who is rear handcuffed and leg shackled, walks forward with officers holding onto his arms, before he stops and turns towards Sgt Gonzalez. At 00:44, Sgt. Gonzalez places his right forearm against the lower left side of § 87(2)(b) lower jaw, such that his head is pressed against the wall. Various officers surround § 87(2)(b). At 00:50, § 87(2)(b) turns away from Sgt. Gonzalez, who keeps his forearm pressed against § 87(2)(b) upper back. § 87(2)(b) walks forward, as Sgt Gonzalez’s forearm remains on his upper back. At 00:57, as § 87(2)(b) walks forward, Sgt Gonzalez places his forearm against the left side of § 87(2)(b) jaw, as he leans forward. At 00:58, Sgt. Gonzalez keeps his forearm against § 87(2)(b) upper back/shoulder area and presses § 87(2)(b) head against a glass window. At 01:02, § 87(2)(b) turns to face Sgt. Gonzalez and his head is no longer against the window. PO Mercado pushes Sgt. Gonzalez off § 87(2)(b). At 01:06, officers hold onto § 87(2)(b) arms, as he walks forward and out of the stationhouse.

In PO Reyes’s BWC footage (**Board Review 19**) at 01:00, PO Reyes asks an officer behind the desk for a spit mask, which he grabs. § 87(2)(b) walks forward on his own, as multiple officers walk besides him, holding his arms and back with their hands. No officers put a mask on § 87(2)(b).

None of the BWC footage capture § 87(2)(b) spitting or capture audio consistent with the sound of spitting.

Sgt. Gonzalez testified that while at the stationhouse, § 87(2)(b) who was acting moody in that he went back and forth between being loud and quiet with the officers, requested to go to the hospital and refused to get fingerprinted. § 87(2)(b) did not say why he wanted medical attention, nor did he complain of any injury or pain. Sgt. Gonzalez believed that § 87(2)(b) asked to go to the hospital to get out of his arrest processing because he was refusing to get fingerprinted and was not claiming any injury. Sgt. Gonzalez denied ever seeing officers dragging § 87(2)(b) outside of the holding cell area and denied doing so himself. Sgt. Gonzalez did not independently recall most of this incident and said he was just going by what he saw on PO Mercado’s BWC footage, which he reviewed prior to his CCRB interview. As the officers walked § 87(2)(b) out of the stationhouse, Sgt. Gonzalez saw that § 87(2)(b) tensed up, pushed and leaned his body back, preventing the officers from taking him to the ambulance. Sgt. Gonzalez saw himself pushing § 87(2)(b) against a wall in the stationhouse from when he reviewed BWC prior to the CCRB interview. Sgt. Gonzalez stated that his instinct would have been to push § 87(2)(b) against a wall to leverage himself so that he did not fall, and to prevent his officers from getting hit. Sgt. Gonzalez did not remember if he placed his forearm against the side of § 87(2)(b) neck; he saw, from the BWC footage, that he had his forearm placed against § 87(2)(b) upper back. Sgt. Gonzalez said he did so because § 87(2)(b) tensed up and leaned back and might have said something, though he did not remember. Sgt. Gonzalez said he might have pushed § 87(2)(b) against a glass partition in the stationhouse but did not slam him there. He did not know if § 87(2)(b) head ever hit any glass partition or wall. Sgt. Gonzalez had to use force to restrain § 87(2)(b) from either running away or hurting an officer. Sgt. Gonzalez said he might have told § 87(2)(b) “I’m tired of this shit,” though he did not recall doing so. During his CCRB interview, when presented with PO Diaz’s BWC footage, Sgt. Gonzalez said that since he said, “Get a mask,” § 87(2)(b) was probably spitting, although he did not independently recall this. Sgt. Gonzalez remembered that § 87(2)(b) was getting agitated and asking, “What am I being charged for?” Sgt. Gonzalez was trying to get him out of the holding cell

area and calm him down. When presented with PO Fore's BWC footage, Sgt. Gonzalez said he had his forearm on § 87(2)(b) back and "upper." He said that based on the video, § 87(2)(b) was probably trying to spit at him, so he was trying to push § 87(2)(b) away from him, though he did not specifically recall this. When asked to clarify what he meant by "upper," Sgt. Gonzalez stated that it looked like he was holding § 87(2)(b) from the back and his arm went, "a little bit higher." During the interview, as the BWC video was shown to Sgt. Gonzalez again, Sgt. Gonzalez, "Okay so I'm holding him there... Oh shit." Sgt. Gonzalez said that he could see a little version of what happened, and that his forearm ended up between § 87(2)(b) back and the back of his neck, but that the footage was still not completely clear. Sgt. Gonzalez said he held § 87(2)(b) with his forearm because that positioning enabled him to cover more ground and would have protected Sgt. Gonzalez if § 87(2)(b) was trying to spit on him, though he did not specifically recall if he was trying to spit. Sgt. Gonzalez stated that § 87(2)(b) was physically preventing the officers from taking him to the ambulance. § 87(2)(b) kept asking what his charges were, turning his head towards Sgt. Gonzalez, and might have been spitting during that time. Sgt. Gonzalez said he did not want to tell him the exact charges to not aggravate him further. Sgt. Gonzalez did not think that he made contact with § 87(2)(b) head, but knew he made contact with his upper back to the back of his head. Sgt. Gonzalez did not think that a TRI was prepared, though, but stated that based on the circumstances a TRI might have been required.

PO Mercado testified that as he walked § 87(2)(b) out of the holding cell area, he and Sgt. Gonzalez were shouting at each other, though he did not recall what about. PO Mercado did not remember a physical struggle in getting § 87(2)(b) out of the stationhouse; he walked out voluntarily and did not physically resist. PO Mercado grabbed Sgt. Gonzalez and pulled him away from § 87(2)(b) because Sgt. Gonzalez was heated, in that he was shouting back at § 87(2)(b). PO Mercado denied ever dragging § 87(2)(b) out of the stationhouse or seeing PO Reyes do so. PO Mercado did not recall § 87(2)(b) ever threatening to spit at officers or trying to spit at them, as he was being escorted out of the stationhouse. When presented with PO Diaz's BWC footage, he remembered Sgt. Gonzalez saying, "Get a mask," though PO Mercado did not remember if he spat on any officer. PO Mercado remembered Sgt. Gonzalez pinning § 87(2)(b) against the wall right before he pushed Sgt. Gonzalez off § 87(2)(b). PO Mercado and other officers had previous interactions with § 87(2)(b) and he believes that § 87(2)(b) was not the type to spit. § 87(2)(b) was known to the Department and had been arrested several times. In the past, § 87(2)(b) was not disrespectful and had not spat at officers. PO Mercado believed § 87(2)(b) may threaten to spit to see how officers will react but would not actually spit. PO Mercado was not sure why Sgt. Gonzalez had asked for a mask. PO Mercado did not hear Sgt. Gonzalez tell § 87(2)(b) "I'm tired of this shit," or hear him using any profanity against § 87(2)(b). When presented with PO Fore's BWC footage, PO Mercado remembered that § 87(2)(b) had been reluctant to walk to the ambulance, but he eventually walked out on his own. PO Mercado believed that § 87(2)(b) demeanor remained the same between the two walls. PO Mercado pushed Sgt. Gonzalez off § 87(2)(b) because, in his opinion, Sgt. Gonzalez was not helping. He felt that § 87(2)(b) and Sgt. Gonzalez were bumping heads and yelling at each other. § 87(2)(b) was going to the hospital and had to walk out, so PO Mercado thought to get Sgt. Gonzalez out of the situation in hopes that § 87(2)(b) would cooperate and walk with them.

PO Reyes' testimony was somewhat consistent with the BWC footage. He testified that when § 87(2)(b) was escorted out of the stationhouse to the ambulance, he was trying to spit at a group of more than four officers. PO Reyes remembered § 87(2)(b) making a gurgling sound, as if he was about to spit. He did not know if any spit landed because he was approximately eight to ten feet away from the group. Besides hearing the gurgling sound, PO Reyes also heard an officer in the group yell, "Get a mask" and heard someone say that he was spitting or about to spit, though he did not recall who. PO Reyes got a mask, but at that point, the officers were already escorting § 87(2)(b).

§ 87(2)(b) out further. PO Reyes denied dragging § 87(2)(b) out of the stationhouse or seeing PO Mercado do so. There was nothing specifically that § 87(2)(b) was doing or saying, that PO Reyes remembered, that made him a potential escape risk. PO Reyes never heard Sgt. Gonzalez tell § 87(2)(b) “I’m tired of this shit,” or use any profanity towards § 87(2)(b).

PO Diaz’s testimony was somewhat consistent with the BWC footage. He testified that § 87(2)(b) walked forward reluctantly, in that he walked one step forward and then stopped. § 87(2)(b) never fought officers or took any physical actions against officers; he just resisted walking. At one point, an officer, though PO Diaz was not sure who, said, “Get a mask,” because they thought § 87(2)(b) was spitting. PO Diaz never saw § 87(2)(b) trying to spit on any officers. Besides an officer asking for a mask, PO Diaz did not have any other indication that § 87(2)(b) was trying to spit on officers because he was behind § 87(2)(b) and could not tell. No officers ever mentioned that § 87(2)(b) was spitting. The officers bladed § 87(2)(b) body to the side, so that he would not spit on the officers. § 87(2)(b) did not give the officers any indication that he might have been trying to escape. PO Diaz denied hearing Sgt. Gonzalez, or any officer say, “I’m tired of this shit,” or using any profanity towards § 87(2)(b). When presented with PO Fore’s BWC footage, PO Diaz remembered that § 87(2)(b) continued to resist walking forward between being positioned against the wall and the glass.

NYPD Patrol Guide, Procedure 221-01 states that officers may use physical force if it is reasonable to ensure the safety of a member of the service or a third person, or otherwise protect life, or when it is reasonable to place a person in custody or to prevent escape from custody. When appropriate and consistent with personal safety, members of the service will use de-escalation techniques to safely gain compliance from a subject to reduce or eliminate the necessity to use force. In all circumstances, any application or use of force must be reasonable under the circumstances (**Board Review 43**). In evaluating whether force is reasonable, the Patrol Guide instructs officers to consider: a. “The nature and severity of the crime/ circumstances; b. Actions taken by the subject; c. Duration of the action; d. Immediacy of the perceived threat or harm to the subject, members of the service, and/or bystanders; e. Whether the subject is actively resisting custody; f. Whether the subject is attempting to evade an arrest by flight; g. Number of subjects in comparison to the number of MOS; h. Size, age, and condition of the subject in comparison to the MOS; i. Subject’s violent history, if known; j. Presence of hostile crowd or agitators; k. Subject apparently under the influence of a stimulant/narcotic which; would affect pain tolerance or increase the likelihood of violence.”

The video evidence captures § 87(2)(b) speaking in a raised voice, repeatedly asking Sgt. Gonzalez what his charges were, as he reluctantly walked out of the holding cell area, which supports the officers’ statements that § 87(2)(b) became upset and resisted walking forward as he was being escorted to the ambulance. However, rather than de-escalate the situation, Sgt. Gonzalez’s actions increased the likelihood of further physical resistance as evidenced by PO Mercado’s account that Sgt. Gonzalez was not helping the situation, for once PO Mercado pushed him off § 87(2)(b) willingly walked out of the stationhouse. The video evidence shows § 87(2)(b) turning to face Sgt. Gonzalez, reluctantly walking forward, and telling Sgt. Gonzalez, “Let me give you a reason.” However, besides Sgt. Gonzalez’s request for a mask, the video evidence does not otherwise suggest that § 87(2)(b) spit on any officers, for no gurgling or spitting sounds are captured, no officers mention § 87(2)(b) spitting, and no mask is ever put on § 87(2)(b). None of § 87(2)(b) actions were consistent with an obvious intent to become violent towards the officers, to spit on the officers, or to try to escape custody. Instead, they were consistent with § 87(2)(b) being upset and passively resisting. § 87(2)(g) as well as the fact that there were over five officers around § 87(2)(b) who was restrained with handcuffs and leg shackles, § 87(2)(g).

§ 87(2)(g)

Though § 87(2)(b) alleged that PO Reyes and PO Mercado dragged him out of the holding cell and that Sgt. Gonzalez told him, “I’m tired of this shit,” the BWC footage shows that officers held onto § 87(2)(b) arms, as he reluctantly walked forward, and that no officer made the alleged discourteous statement. § 87(2)(g)

Allegation (H) Abuse of Authority: On July 30, 2021, Police Officer Bryan Reyes entered § 87(2)(b) in the Bronx.

Allegation (I) Abuse of Authority: On July 30, 2021, Police Officer Bryan Reyes searched § 87(2)(b) in the Bronx.

§ 87(2)(b) testified that he remained in custody at Central Booking for three days before he was arraigned. At the time of his arraignment, a judge told him that a search warrant for his apartment had been executed while he was in custody. He was unsure about the grounds on which this warrant was issued, but believed it had something to do with the firearm he was alleged to have been in possession of. When he returned to his apartment upon release, he found that his door was left unlocked. § 87(2)(b) claimed that various personal items were missing because of the warrant officers’ negligence.

PO Reyes’ BWC footage (**Board Review 26**) captures officers executing a search warrant at § 87(2)(b) apartment.

PO Reyes testified that he obtained a search warrant § 87(2)(b) after a tactical meeting took place at the 46th Precinct stationhouse. No firearms or ammunition were recovered, but items belonging to a victim of an armed robbery for which § 87(2)(b) was the alleged perpetrator were.

It is undisputed that officers entered and searched § 87(2)(b) in the Bronx. § 87(2)(b) and obtained by PO Reyes, authorized an entry of § 87(2)(b) in the Bronx any time of day or night within 10 days of the search warrant’s issuance, for officers to search the location for any firearms and ammunition, evidence tending to establish ownership of the premises and connect persons found therein to the premises, and any personal property belongings to § 87(2)(b) including one passport and one suitcase, and to return any seized property to the Court.

Article 690.50 of the Criminal Procedure Law (**Board Review 37**) permits officers who have obtained a valid judge-issued search warrant to enter and search the location.

§ 87(2)(g)

Civilian and Officer CCRB Histories

- § 87(2)(b)

- PO Mercado has been a member of service for seven years and has been a subject in one CCRB complaint and one allegation, which was not substantiated.
- PO Reyes has been a member of service for one year and this is the first CCRB complaint to which he has been a subject.
- Sgt. Gonzalez has been a member of service for 14 years and has been a subject in five CCRB complaints and six allegations, none of which were substantiated. § 87(2)(g)

Mediation, Civil, and Criminal Histories

- This complaint was not suitable for mediation.
- § 87(2)(b) filed a Notice of Claim with the City of New York claiming he suffered mental anguish as a result of being arrested, treated unfairly, and assaulted by NYPD officers, who also searched his apartment and seeking \$1,000,000.00 as redress (**Board Review 40**). § 87(2)(a)
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Squad: 16

Investigator:	Ariana Thomas Signature	Inv. Ariana Thomas Print Title & Name	10/26/2022 Date
Squad Leader:	Patrick Yu Signature	IM Patrick Yu Print Title & Name	10/27/2022 Date